

Robert B. Zelms, Arizona Bar No. 018956  
[rzelms@zelmserlich.com](mailto:rzelms@zelmserlich.com)  
Fatima Badreddine, Arizona Bar No. 030402  
[fatima@zelmserlich.com](mailto:fatima@zelmserlich.com)  
**ZELMS ERLICH LENKOV & MACK**  
5415 E. High Street, Suite 425  
Phoenix, Arizona 85054  
Phone: (480) 608-2114

*Attorneys for Defendants Richard Lee  
Brunton and Jane Doe Brunton*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF ARIZONA**

Susan Gellos, individually; Taryn Foster,  
individually,  
Plaintiff,

v.

City of Phoenix, a governmental agency;  
Christopher John Turiano and Jane Doe  
Turiano, husband and wife; William Gates  
and Jane Doe Gates, husband and wife;  
Richard Lee Brunton and Jane Doe  
Brunton, husband and wife; John and Jane  
Does 1-X; ABC Corporations I-X; XYZ  
Partnerships IX,  
Defendants.

Case No. CV-24-01529-PHX-GMS

**DECLARATION OF DEFENDANT  
RICHARD LEE BRUNTON IN SUPPORT  
OF MOTION TO SET ASIDE ENTRY OF  
DEFAULT**

(Honorable G. Murray Snow)

I, Richard Lee Brunton, declare under penalty of perjury that the following is true and correct and based on my personal knowledge.

1. I am over 18 years of age and competent to testify as to the matters set forth in this Declaration.

2. After I was served with the Summons and Complaint, I notified my former employer, as I had been working as security at the Footprint Center at the time of the incident alleged in the Complaint.

3. I believed my former employer would timely retain counsel to respond to the

1 Complaint on my behalf.

2 4. I did not know when a response to the Complaint was due, and I was not  
3 represented by legal counsel at the time.

4 5. I was not represented by legal counsel when Plaintiffs' counsel filed the  
5 Motion for Entry of Default, and I was not aware, at that time, that the motion had been  
6 filed.

7 6. I was not aware that there had been any communications between my former  
8 employer's general counsel and Plaintiffs' counsel about requesting an extension to respond  
9 to the Complaint.

10 7. I was not aware that an extension to respond to the Complaint had been  
11 requested by my former employer's general counsel or that Plaintiffs' counsel had allegedly  
12 advised that he would file a Motion for Entry of Default.

13 8. I also was not represented by legal counsel when the Clerk's Entry of Default  
14 was filed, and I was not aware that it had been filed until I was contacted by my current  
15 counsel.

16 9. I had no intention to take advantage of Plaintiff, interfere with the judicial  
17 process, or to manipulate the legal process.

18 10. On March 9, 2023, while working at a Jimmy Buffet concert at the Footprint  
19 Center, Disability Services Manager Rachel Hargis reported that she observed Plaintiff  
20 Gellos punch her daughter (Plaintiff Foster) in the stomach and put her hand over her  
21 daughter's mouth.

22 11. To my knowledge, other guests had complained about Plaintiff Gellos's  
23 behavior, and Ms. Hargis had observed Plaintiff Gellos swaying, stumbling while walking,  
24 and falling asleep in a chair.

25 12. I responded to assisted Ms. Hargis, along with other members of security at  
26 Footprint Center.

27 13. I observed that Plaintiff Gellos appeared to have been heavily intoxicated,  
28 slurring her speech and yelling in front of other guests.

1           14. Plaintiff Gellos was asked to leave the concert, but she refused.

2           15. Plaintiffs Gellos and Plaintiff Foster both became very agitated when Plaintiff  
3 Gellos asked to leave the concert, and Plaintiff Foster yelled and cursed in front of the other  
4 guests.

5           16. As a result, Plaintiff Foster was also asked to leave the concert.

6           17. Plaintiff Gellos was escorted out of the concert by four members of security  
7 and did not report any pain or discomfort as she was escorted.

8           18. A wheelchair was obtained for Plaintiff Foster, and she was wheeled out of  
9 the concert by another staff member.

10          19. Officers from the Phoenix Police Department met with me and other security  
11 employees in a hallway outside the concert area, and Plaintiffs were escorted down the  
12 hallway and down the elevator.

13          20. I did not have any harmful or offensive contact with either Plaintiff as they  
14 were escorted out of the concert, down the hallway, and down the elevator.

15          21. I did not injure, create an unreasonable risk of bodily harm, or cause emotional  
16 distress that resulted in physical injury to Plaintiffs.

17          22. I did not use excessive force while escorting Plaintiffs.

18          23. I acted in a manner that was consistent with my training and experience and  
19 was appropriate under the circumstances.

20 DATED this 22 day of July, 2024  
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22  
23 Richard Lee Brunton

24 Richard Lee Brunton  
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